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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,112	10/31/2003	David P. Pollock		8919

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DENTSPLY INTERNATIONAL INC
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YORK, PA 17404

EXAMINER

MACPHERSON, MEOGHAN E

ART UNIT PAPER NUMBER

3732

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,112	Applicant(s) POLLOCK ET AL.	
	Examiner Meoghan E. MacPherson	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/11/2003</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the insert (114) and the connector (126) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 9, reference characters 44 and 134. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.

3. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is missing sections. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).

- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1, 5-9, 11-14, 17, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayer (US Pat. App. Pub. 2004/0259054).

Mayer discloses an ultrasonic dental scaler insert 26 comprising a tip 24, a magnetostrictive member 22, a connecting member 20, a nozzle 35, and a generally cylindrical soft grip 50 comprising rigid polymeric material as well as elastomeric polymeric material (page 1, [0002]; page 1-2, [0025], [0027]-[0028], [0030]; see Figures 1, 11, and 12). Mayer also discloses the tip being connected to a first end of the connecting member, the magnetostrictive member being connected to a second end of the connecting member, and the nozzle having a rigid wall and being supported by the connecting member (page 1, [0005], [0024]; see Figures 11 and 12). Mayer further discloses the soft grip having a generally cylindrical rigid polymeric inner wall having a generally cylindrical channel 30 affixed, adhered or bonded and supporting

to a generally cylindrical elastomeric outer wall 52 (page 1, [0007]; page 2, [0025], [0029]; see Figures 11 and 12). Mayer discloses that the rigid polymeric inner wall circumscribes the connector and forms a nozzle for the scaler insert (see Figures 11 and 12).

Regarding claims 1, 5-9, 11,13, 14, 17, 18, and 20, the method of making the dental scaler insert having a soft grip is inherently shown in the formation of the disclosed implant of Mayer, therefore these method claims are subject to the previously described rejection.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 10, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Stearns'811 (US Patent No. 6,095,811). Mayer discloses the ultrasonic dental scaler insert that shows the limitations as described above; however, Mayer does not disclose the soft grip snap-fit onto the connector or the soft grip snap-fit onto the dental scaler insert.

Stearns'811 teaches a gripping handle with snap-fit connections for fitting around a diagnostic instrument (col. 3, lines 6-9; col. 4, lines 11-31; see Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ultrasonic dental scaler insert of Mayer to incorporate the teachings of Stearns'811 to produce a scaler soft grip that was easily and releasably attached to and removed from the scaler insert for efficient cleaning, disposal, and reuse.

Regarding claims 2, 10, 15, and 19, the method of making the method of making the dental scaler insert having a soft grip is inherently shown in the formation of the disclosed implant of Mayer, therefore these method claims are subject to the previously described rejection.

9. Claims 3, 4, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Riso'901 (US Patent No. 5,775,901). Mayer discloses the ultrasonic dental scaler insert that shows the limitations as described above; however, Mayer does not disclose a first and second rigid polymeric side or a first and second elastomeric side.

Riso'901 teaches an ultrasonic scaling system comprised of a grip having a first half 40-1 and a second half 40-2 (col. 2, line 65-col. 3, line 1; col. 3, lines 37-45; see Figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ultrasonic dental scaler insert of Mayer to incorporate the teachings of Riso'901 to create a ultrasonic dental scaler insert with a soft grip which was easily and efficiently fitted, assembled, and disassembled from around the scaler insert when desired.

Regarding claims 3, 4, and 16, the method of making the method of making the dental scaler insert having a soft grip is inherently shown in the formation of the disclosed implant of Mayer, therefore these method claims are subject to the previously described rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

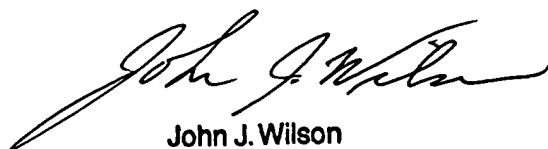
US Patent No. 6,471,514 to Beck et al discloses an ergonomic grip for dental instruments which may be fabricated in dual and tri-laminate layers.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meoghan E. MacPherson whose telephone number is (571)-272-5565. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Meoghan E. MacPherson


John J. Wilson
Primary Examiner